

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNIVERSITY OF MASSACHUSETTS)
and CARMEL LABORATORIES LLC,)
Plaintiffs,) C.A. No. 17-868-CFC-SRF
v.)
L'ORÉAL USA, INC.,)
Defendant.)

**MOTION NO. 1: L'ORÉAL USA, INC.'S MOTION FOR
SUMMARY JUDGMENT OF INDEFINITENESS OF THE
DERMAL CELL ADENOSINE CONCENTRATION CLAIM LIMITATION**

Defendant L’Oréal USA, Inc. (“L’Oréal USA”), by and through its undersigned counsel, hereby respectfully moves this Court pursuant to Federal Rule of Civil Procedure 56, to enter summary judgment of invalidity of claims 1, 3, 5-7, and 9 of U.S. Patent Nos. 6,423,327 (the ’327 patent) and 6,645,513 (the ’513 patent) as invalid under 35 U.S.C. § 112 ¶ 2, because the claim limitations “wherein the adenosine concentration applied to the dermal cells is [claimed concentration range]” in the ’327 patent and “wherein the adenosine concentration applied to the dermal cells is [claimed concentration range]” in the ’513 patent is indefinite. The grounds for this motion are fully set forth in L’Oréal USA’s opening brief and accompanying exhibits, and concise statement of facts, filed concurrently herewith.

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